

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

In Re:

R.E.X., Inc.

Debtor in Possession.

Case No. 3:20-bk-30290

Chapter 11

**AGREED ORDER GRANTING IN PART AND DENYING IN PART DEBTOR'S
APPLICATION TO EMPLOY STEVEN COOK AS SPECIAL COUNSEL**

On the 2nd day of December, 2020, the following parties appeared by telephone to be heard upon the motion of the debtor to employ Steven Cook as Special Counsel to (1) collect delinquent rents from commercial tenants and (2) to “investigate” the potential benefit of claims asserted by Rex Donahue, Sr. and Barbara Donahue against MVB Bank, Inc. in an arbitration proceeding from which the debtor has been dismissed as a defendant; and the Limited Objection thereto filed by United States Trustee (“UST”):

Joseph W. Caldwell, Counsel for the debtor
Shari Collias, Counsel for the UST
Michelle Steele, Subchapter V Trustee

After hearing argument from Counsel, the Court found that the debtor should be permitted to employ Mr. Cook, but only for the purpose of collecting delinquent rents; the Court concurred with the UST that it would not be proper at this time to allow the debtor to employ Mr. Cook to investigate the potential benefit of claims asserted in a pending arbitration proceeding to which the debtor is not a party; accordingly, having found that Mr. Cook is a disinterested party and the terms of representation to collect delinquent rents from the debtor’s commercial tenants as set forth in the application is reasonable; it is accordingly

ORDERED the debtor’s application to employ Steven Cook as Special Counsel to collect delinquent rents from its commercial tenants upon the terms set forth in the defendant’s application is **GRANTED; HOWEVER** the debtor’s motion to employ Mr. Cook to investigate the potential benefit of claims asserted against MVB Bank, Inc. by Rex Donahue, Sr. and Barbara Donahue in the pending arbitration proceeding is **DENIED**.

Presented by:

/s/ Shari L. Collias

Shari L. Collias (WVSB #4997)

Trial Attorney, Office of U.S. Trustee

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Inspected and Agreed to by:

/s/Joseph W. Caldwell

Joseph W. Caldwell (WVSB #586)

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